

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co
605 Darling Street
BALMAIN NSW 2041

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

18 MAR 2005

Applicant's or agent's file reference
121105

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/AU2004/001726

International filing date (day/month/year)

8 December 2004

Priority date (day/month/year)

8 December 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ H01Q 1/36, B21F 45/00, H01R 11/09

Applicant

COCHLEAR LIMITED et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU

AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaustalia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer

J. LAW

Telephone No. (02) 6283 2179

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001726

Box No. I

Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☒ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

Claims 1-20 are directed to a method of forming and connecting an antenna to a feedthrough member.

Claims 21-42 are directed to a method of forming a non-linear path of a conducting wire extending between a first location and a second location.

Claims 43-67 are directed to a method of forming a device comprised of a predetermined pattern of at least two relatively electrically conductive regions.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☐ all parts
 - ☐ the parts relating to claims Nos.

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 43-67	YES
	Claims 1-42	NO
Inventive step (IS)	Claims 43-67	YES
	Claims 1-42	NO
Industrial applicability (IA)	Claims 1-67	YES
	Claims	NO

2. Citations and explanations:

Novelty (N) and Inventive Step (IS)

Claims 1-20

- a. GB 2288028 A
- b. US 6181296 B1
- c. GB 2356935 A

Each of citations (a)-(c) discloses all the features of the Claims 1-20. For example in (a) see:

- Winding a wire around an antenna template [page 4, lines 19-21]
- Connecting portions of the wire to a feedthrough member [page 4, lines 22-26]

Claims 21-42

- d. US 1948875 A
- e. US 3166104 A
- f. US 4200971 A
- g. US 6446678 B1
- h. US 6308744 B1
- i. SU 1256-122 A (Derwent Abstract)
- j. SU 1775803 A1 (Derwent Abstract)

Each of Citations (d)-(j) discloses all the features of the Claims 21-42. For example in (d) see:

- Forming wire path template defining a non-linear path [lines 73-82]
- Winding the wire through the template [lines 18-24]
- Removing the wire from the template [lines 24-27]

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Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

<u>Application No.</u> <u>Patent No.</u>	<u>Publication date</u> <u>(day/month/year)</u>	<u>Filing date</u> <u>(day/month/year)</u>	<u>Priority date (valid claim)</u> <u>(day/month/year)</u>
P,X US 2004/0164923 A1	26 August 2004	19 February 2004	19 February 2004

The document discloses all the features of Claims 1-20.

See paragraphs 67-68

2. Non-written disclosures (Rules 43bis.1 and 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure</u> <u>(day/month/year)</u>	<u>Date of written disclosure</u> <u>referring to non-written disclosure</u> <u>(day/month/year)</u>
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